

FILED 25 JUN '24 11:25 USDC-ORP

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the
Portland OR District of _____

_____ Division

David Lloyd Pearson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-
Clackamas County Sheriff's Dept
Clackamas County
Ivory Gilmore / unknown person
unknown person / unknown person

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. 3:24-cv-01017-SB

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
 (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

David Lloyd Pearson

Sandy
CityOR
State97055
Zip Code

Clackamas

503-891-3961

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Sheriff (Amanda Brandenburg)
Clackamas County Sheriffs Office

22 Sheriff

2223 Kaen Rd

Oregon City

OR
State97045
Zip Code

Clackamas

☐ Individual capacity
 ☒ Official capacity
Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Troy Gilmore

Sheriff deputy

2206 S Kaen Rd

Oregon City

OR
State97045
Zip Code

Clackamas

☐ Individual capacity
 ☒ Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

unknown Person
 Sheriff deputy Clackamas
 2206 S Kaen rd
 Dragon city OR 97045
 City State Zip Code
 Clackamas

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

unknown Person
 Clackamas Sheriff deputy
 2206 S Kaen rd
 Dragon city OR 97045
 City State Zip Code
 Clackamas

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Excessive force. IE. When arrested, After being put in custody by three officers holding me down, the K-9 was allowed to continue ripping into my left upper thigh to the extent I would have died of blood loss

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

under cover of law, officers held me down while the K-9 severely injured me, an unarmed man not resisting with no history of violence. This event strongly points to a negligence as to protocol and procedure. It is unlikely this action is in accordance. It strongly points to a reckless indifference from the Sheriff down to the arresting officer.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See Attached

- A. Where did the events giving rise to your claim(s) occur?

On the side of Alder Creek Mountain off Highway 26, in Sandy Oregon zip code 97055 in Clackamas County Oregon

- B. What date and approximate time did the events giving rise to your claim(s) occur?

The date was 12/21/23 at approximately 7:30 pm in the evening

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

SEE Attached

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I sustained severe lacerations on my left upper thigh. They went to the bone and severed nerves moving down my leg. At the time of the incident I was losing blood to the extent I was dying right there. I was so incapacitated I could not move. A tourniquet was applied to keep me alive. I was rushed to TriMark Trauma Center in Portland for emergency surgery. I spent 60 days in medical isolation with a wound vac and daily changing of the dressing. I am now severely crippled, cannot walk, disfigured, nerve damage. Pictures are available.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Lost wages future	3,500,000.00
future medical	1,500,000.00
Punitive/Pain & suffering	10,000,000.00
	<u>15,000,000.00</u>

I came to this number therefor calculating the seconds the K-9 was allowed to rip my leg and the fact that I will never be able to do the work am trained for. Along with this I'm crippled and the disfigurement is severe.

I would like the court to impose disciplinary sanctions on the officers involved and the K-9 policy and procedure to be re written.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

May 12, 2024

Signature of Plaintiff

Printed Name of Plaintiff

David Lloyd Pearson

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City _____

State _____

Zip Code _____

Telephone Number _____

E-mail Address _____

Defendants

- 1) Clackamas County Sheriff dept
- 2) Clackamas County
- 3) Clackamas County Sheriff/Amanda Brandenburg
- 4) Clackamas County Sheriff Captain (unknown)
- 5) Clackamas County Sheriff deputy (Troy Gilmore)
- 6) Clackamas County Sheriff deputy (unknown)
- 7) Clackamas County Sheriff deputy (unknown)
- 8)

1) Troy Gilmore sheriff deputy.

I knew Mr. Gilmore through confidential informant work I did for him. I quit helping him when I realized he wasn't going to do anything to help me. He threatened to ruin my life if I quit helping him. He said this in front of two witnesses. He was the one who led the group that confronted me on a private drive with a no trespassing sign clearly displayed. I did attempt to elude, I turned the car around and went back on to private property. All this aside as to the excessive force, the time between the three officers holding me down and pulling the bag off me is in particular the excessive force this suit is about.

I cannot stand up in the morning I have to work at it. I can't stand from a seated position without work, I can't kneel down without work, I can't squat, period, and going up stairs or down is a serious effort. I live with pain, and nerve pain. When I go to bed the pain in my leg makes it hard to go to sleep.



- 2) Both uniformed officers.
 3) The two officers with Mr. Gilmore who helped hold me down. One of them slapped the K-9 in the face to get him to release me.

- 4) Captain Clackamas County,
 5) Sheriff Amanda Brandenburg

Both for gross negligence in allowing procedure and protocol to become so lax officers in turn acted with reckless negligence and irresponsibility. In a system of chain of command such as law enforcement the first point of contact, the deputy on the street, acts in a way consistent with training, procedures and protocol. In this case this event strongly reflects the officers lack of training, procedure and protocol, or, as is much probably in this case the chain of command failed to enforce or review these policies, training and procedure both in text and with the acting officer giving rise to this nearly deadly event and clearly excessive force.

- 6) } Clackamas County } allowing this
 7) } Clackamas County Sheriff depart } negligence
 8) } Clackamas County Jail }

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The facts -

On Dec 21, 2023 @ approx 7:35 pm I was cornered by law enforcement on the side of a cluster of logs dead on the ground and rotting. The K-9 was the first to confront me. He did so by clamping on to my upper thigh, left side, and sinking his teeth deep into the soft tissue, muscle, all the way to the bone. Approx. 2 seconds later three law enforcement officers had me held down on my back from my torso up, including both arms. I was ~~on~~ laying on my back when the K-9 with officers arrived to begin with. I was not resisting. As they held me down the K-9 continued to rip and tear at my upper thigh, I did not touch him.

The K-9 was allowed to continue while I was held down for approx. two to four minutes. It was so extreme I quit screaming and started gagging. At that point the officer closest to the K-9 had to slap the K-9 in the muzzle to make him/her release my leg. At this point I was falling into toxic shock, I was losing so much blood I started to shiver radically and I lost all strength to move even my head or arms.

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I was dragged over to a flat spot and a tourniquet was applied. I would have died had this tourniquet not been applied. I was carried to an ambulance on a cloth stretcher by six people three were the ones who held me down.

The excessive force happened when the K-9 was allowed to continue ripping at my leg. Although there is a real question whether pain compliance was in fact necessary. I was unarmed, I have no history of violence. I knew the arresting officer.

The fact I attempted to elude by turning the car I was driving around and going back up the Private Drive abandoning it on the other side of the hill is not the question, nor does it address the time the K-9 was allowed to Confine.

The relationship I had with the arresting officer does question his motive that night. I had worked with him in a confidential informant way and had been threatened by him on more than one occasion that if I quit helping him he would ruin my life, I have two

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witnesses to this.

The way the K-9 was forced to release me, not with verbal command, but by slapping the K-9. This suggests either a policy that needs changing or a policy that has been neglected and abused. In both cases the irresponsible recklessness or complete apathy or an absent mindedness must come from the top in a chain of command such as law enforcement. The training policy and the K-9 deploy policy would not allow first, the K-9 to confine assaulting an unarmed man who is in custody to the point of nearly killing me, and it would not allow the K-9 not to respond to verbal commands.

Troy Gilmore was the arresting officer with two unknown deputies. Along with them in this suit is the Captain and Sheriff of Clark County because the negligence and lax protocol must come from the top.

It was dark out. There should be body cams available. There is at least 100 photos on file at Clark County Jail Medical, and provider which was with Immanuel Trauma Center in Portland Oregon.

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The specific claim is for Excessive Force. The time a reasonable person would allow a K-9 to continue after it's clear it has gone past any kind of pain compliance or procedural "finding a hidden suspect". The time between being in custody by the fact I was held down by three law enforcement officers and the K-9 being forced by a slap in the face to let go. Even if I was dangerous, which clearly I was not, being subdued, being stopped, being controlled happened the moment the officers held me down. I carry the proof of excessive force. Every time I look at my leg and see the severe disfigurement and scarring I remember the complete unreasonable, excessive and recklessness of the event.

As a result I cannot get up out of bed, out of a chair off my knees, run, squat, go up stairs or many normal things without serious pain, a pain which never really goes away, just presents itself at various levels.

37362 Indiana Summer St.
SANDY OR 97055

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1000 SW 3RD AVE
#740 PORT, OR 97204